

OLC 77-2509

16 June 1977

*in Congressional
Relationship*

MEMORANDUM FOR: SA/DO/O

ATTENTION :

FROM :

Assistant General Counsel

SUBJECT : Information Concerning Former Employees
to be Made Available to Congressional Committees

REFERENCE : O/SA/DO/O Memorandum, dated 1 June 1977,
Same Subject

1. The referenced memorandum raises several questions regarding our relations with Congressional committees and the impact of the Privacy Act on the release of information, specifically, former employees' addresses.

2. The Privacy Act permits the disclosure of information "to either House of Congress or, to the extent of matters within its jurisdiction, any committee or sub-committee thereof, any joint committee of Congress or sub-committee of any such joint committee," without the consent of the individual concerned. The OMB implementing regulations interpret the this provision to mean that an agency may release information to the Congress, but is not obligated to do so.

3. The extent to which we release any information regarding current or former employees, including their names, must depend upon our relationship with the Congressional committees, the scope of their authority, their understanding and acceptance of the DCI's statutory obligation to protect intelligence sources and methods, and whatever agreements exist with respect to obtaining Agency concurrence prior to the public release of any information. On the general question of whether or not we will identify former covert employees, this office defers to the advice of the Office of Legislative Counsel. Assuming however, that the Agency desires to cooperate, or could be compelled by subpoena to provide such information, the Privacy Act does not constrain us from providing information regarding former employees without their consent.

4. Concerning the specific question of providing the last known addresses of individuals who have been identified as former employees, it is the opinion of this office that we should provide such information. At the same time, it may be in the best interest of the Agency to attempt to contact former employees and apprise them of their security obligations in any contacts with Congressional committees. Whether a former employee is a resignee or retiree is immaterial.



STAT

APPROVED:

15/ 6/16/77
Anthony A. Lapham, General Counsel

cc: OLC
AG/L/DDO

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1 June 1977

MEMORANDUM FOR:

AGC/L/DDO

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FROM :

O/SA/DO/O

SUBJECT : Information Concerning Former Employees to
be Made Available to Congressional Committees

1. During the existence of the Pike and Church Committees, it was the practice of the DDO to make available the last known addresses of former employees when requested or to contact them on behalf of the Committee. The investigators for these Committees also made their own contacts without our knowledge. In receiving requests for addresses and providing them when available, the Agency gained by so doing:

a. We were made aware of the Committee interest and were therefore able to inform the person concerned of this interest.

b. We frequently had the opportunity to discuss the various parameters of the briefing, including security obligations.

c. These meetings were frequently antagonistic and accusatorial. Feedback from them provided useful guidelines for future conduct and awareness of areas of special concern to the Committee.

2. The current Committees supposedly are not setting their sights on the Agency as a target but rather to acquire information supporting their own investigations. Nonetheless, admitting the benefits to be gained, are we obligated to provide last known addresses within regulations of the Privacy Act. To cite examples:

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